



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed August 9, 2021

  
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re § Chapter 11  
§  
HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup> § Case No. 19-34054-sgj11  
§  
Debtor. §  
§  
UBS SECURITIES LLC AND UBS AG § Adversary Proceeding  
LONDON BRANCH, §  
§  
Plaintiffs, § No. 21-03020  
§  
vs. §  
§  
HIGHLAND CAPITAL MANAGEMENT, L.P., §  
§  
Defendant. §

**AMENDED STIPULATION AND SCHEDULING ORDER**

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<sup>1</sup> The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

Upon consideration of the *Amended Stipulation and Proposed Scheduling Order* [Adv. Dkt. No. 95] (the “Stipulation”)<sup>2</sup> by and between Plaintiffs UBS Securities LLC and UBS AG London Branch (together, “UBS”) and Defendant Highland Capital Management, L.P. (the “Debtor,” and together with UBS, the “Parties”), it is **HEREBY ORDERED THAT:**

1. The Stipulation is **APPROVED**.
2. The Stipulation shall be effective immediately.
3. The Parties shall follow the below pretrial schedule (the “Joint Pretrial Schedule”)

in lieu of that provided in the *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Adv. Dkt. No. 9]:

<b><i>Joint Scheduling Order</i></b>		
	<u>Event</u>	<u>Deadline</u>
1	Service of Written Discovery Requests	July 2, 2021
2	Service of Written Responses to Discovery	July 23, 2021
3	Completion of Fact Discovery	August 6, 2021 <sup>3</sup>
4	Expert Disclosures	August 13, 2021
5	Completion of Expert Discovery	August 27, 2021
6	Dispositive Motions	September 3, 2021
7	Exhibit and Witness Lists	September 20, 2021
8	Joint Pretrial Order	September 27, 2021
9	Proposed Findings of Fact and Conclusions of Law	September 27, 2021
10	Trial Docket Call	October 4, 2021 at 1:30 p.m. (CT)
11	Trial Week Begins	October 17, 2021

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<sup>2</sup> A copy of the Stipulation is attached hereto as **Exhibit A**.

<sup>3</sup> Ms. Mary Katherine Lucas’ deposition will be taken within thirty days after the termination of her maternity leave. See *Order Granting Plaintiffs’ Motion to Compel and Denying Motion of Former Employees to Quash Subpoenas* [Adv. Dkt. No. 94].

4. The Joint Pretrial Schedule set forth in this Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Order.

### End of Order ###

**EXHIBIT A**

**LATHAM & WATKINS LLP**

Andrew Clubok (*pro hac vice*)  
Sarah Tomkowiak (*pro hac vice*)  
555 Eleventh Street, NW, Suite 1000  
Washington, District of Columbia 20004  
Telephone: (202) 637-2200  
Email: andrew.clubok@lw.com  
sarah.tomkowiak@lw.com

Jeffrey E. Bjork (*pro hac vice*)  
Kimberly A. Posin (*pro hac vice*)  
355 South Grand Avenue, Suite 100  
Los Angeles, CA 90071  
Telephone: (213) 485-1234  
Email: jeff.bjork@lw.com  
kim.posin@lw.com

Kathryn George (*pro hac vice*)  
330 North Wabash Avenue, Suite 2800  
Chicago, IL 60611  
Telephone: (312) 876-7700  
Email: Kathryn.george@lw.com

**BUTLER SNOW LLP**

Martin Sosland (TX Bar No. 18855645)  
Candice Carson (TX Bar No. 24074006)  
2911 Turtle Creek Blvd., Suite 1400  
Dallas, Texas 75219  
Telephone: (469) 680-5502  
E-mail: martin.sosland@butlersnow.com  
candice.carson@butlersnow.com

*Counsel for UBS Securities LLC and  
UBS AG London Branch*

**PACHULSKI STANG ZIEHL & JONES  
LLP**

Jeffrey N. Pomerantz (CA Bar No. 143717)  
(*admitted pro hac vice*)  
Robert J. Feinstein (NY Bar No. 1767805)  
(*admitted pro hac vice*)  
John A. Morris (NY Bar No. 2405397)  
(*admitted pro hac vice*)  
Gregory V. Demo (NY Bar No. 5371992)  
(*admitted pro hac vice*)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
E-mail: jpomerantz@pszjlaw.com  
rfeinstein@pszjlaw.com  
jmorris@pszjlaw.com  
gdemo@pszjlaw.com

**HAYWARD PLLC**

Melissa S. Hayward  
Texas Bar No. 24044908  
MHayward@HaywardFirm.com  
Zachery Z. Annable  
Texas Bar No. 24053075  
ZAnnable@HaywardFirm.com  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Telephone: (972) 755-7100

*Counsel for Highland Capital Management,  
L.P.*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

---

In re	§	Chapter 11
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P., <sup>1</sup>	§	Case No. 19-34054-sgj11
	§	
Debtor.	§	
	§	
UBS SECURITIES LLC AND UBS AG	§	Adversary Proceeding
LONDON BRANCH,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
	§	
Defendant.	§	

---

**AMENDED STIPULATION AND PROPOSED SCHEDULING ORDER**

This amended stipulation (the “Amended Stipulation”) is made and entered into by and between Plaintiffs UBS Securities LLC and UBS AG London Branch (together, “UBS”) and Defendant Highland Capital Management, L.P. (the “Debtor,” and together with UBS, the “Parties”), by and through their respective undersigned counsel.

**RECITALS**

WHEREAS, on October 16, 2019 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

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<sup>1</sup> The Debtor’s last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of the Debtor's bankruptcy case (the "Bankruptcy Case") to this Court;

WHEREAS, on March 31, 2021, UBS commenced the above-captioned adversary proceeding (the "Adversary Case") against the Debtor by filing its complaint [Adv. Dkt. No. 3] (the "Complaint");

WHEREAS, on April 1, 2021, the Court issued the *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Adv. Dkt. No. 9] (the "Alternative Scheduling Order");

WHEREAS, on May 14, 2021, the Parties filed a *Stipulation and Proposed Scheduling Order* [Adv. Dkt. No. 69];

WHEREAS, on May 15, 2021, Scott Ellington, Isaac Leventon, Matthew DiOrio, JP Sevilla, and Kathryn Lucas (the "Employee Group") filed the *Motion of Former Employees to Quash Subpoenas and Brief in Support* [Adv. Dkt. 70], and on May 20, 2021, UBS filed *Plaintiffs' Motion to Compel and Response to Motion of Former Employees to Quash Subpoenas* [Adv. Dkt. 74] (together, and including documents filed in support of and response to, the "Discovery Motions");

WHEREAS, the Discovery Motions relate to discovery sought in this Adversary Case;

WHEREAS, on June 24, 2021, the Court held a hearing on the Discovery Motions and ordered the Employee Group to produce responsive documents within seven days and sit for depositions within thirty days<sup>2</sup>;

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<sup>2</sup> Ms. Lucas' deposition will be taken within thirty days after the termination of her maternity leave.

WHEREAS, in light of ongoing fact discovery, including as contemplated by the Court's June 24, 2021 ruling, the Parties have conferred and desire to enter into a mutually agreeable proposed amended schedule to alter pre-trial deadlines while maintaining the same dates for trial docket call and trial as specifically set forth below.

**NOW, THEREFORE**, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. The Parties agree to the following amended schedule (the "Amended Proposed Joint Scheduling Order"), in lieu of that provided in their earlier *Stipulation and Proposed Scheduling Order*:

<b><i>Amended Proposed Joint Scheduling Order</i></b>		
	<u>Event</u>	<u>Deadline</u>
1	Service of Written Discovery Requests	July 2, 2021
2	Service of Written Responses to Discovery	July 23, 2021
3	Completion of Fact Discovery	August 6, 2021
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9	Proposed Findings of Fact and Conclusions of Law	September 27, 2021
10	Trial Docket Call	October 4, 2021 at 1:30 p.m. (CT)
11	Trial Week Begins	October 17, 2021

2. If approved by the Court, the Amended Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Amended Stipulation, subject to any objection to the Court's jurisdiction or core jurisdiction and subject to any motion for the withdrawal of the reference, with respect to which all parties reserve their rights, if any.

*[Remainder of this page intentionally left blank.]*

Dated: June 29, 2021

Respectfully submitted,

By /s/ Sarah Tomkowiak

**LATHAM & WATKINS LLP**  
Andrew Clubok (*pro hac vice*)  
Sarah Tomkowiak (*pro hac vice*)  
555 Eleventh Street, NW, Suite 1000  
Washington, District of Columbia 20004  
Telephone: (202) 637-2200  
Email: andrew.clubok@lw.com  
sarah.tomkowiak@lw.com

Jeffrey E. Bjork (*pro hac vice*)  
Kimberly A. Posin (*pro hac vice*)  
355 South Grand Avenue, Suite 100  
Los Angeles, CA 90071  
Telephone: (213) 485-1234  
Email: jeff.bjork@lw.com  
kim.posin@lw.com

Kathryn George (*pro hac vice*)  
330 North Wabash Avenue, Suite 2800  
Chicago, IL 60611  
Telephone: (312) 876-7700  
Email: kathryn.george@lw.com

**BUTLER SNOW LLP**  
Martin Sosland (TX Bar No. 18855645)  
Candice Carson (TX Bar No. 24074006)  
2911 Turtle Creek Blvd., Suite 1400  
Dallas, Texas 75219  
Telephone: (469) 680-5502  
E-mail: martin.sosland@butlersnow.com  
candice.carson@butlersnow.com

*Counsel for UBS Securities LLC and  
UBS AG London Branch*

By /s/ Robert Feinstein

**PACHULSKI STANG ZIEHL & JONES  
LLP**  
Jeffrey N. Pomerantz (CA Bar No.143717)  
(*admitted pro hac vice*)  
Robert J. Feinstein (NY Bar No. 1767805)  
(*admitted pro hac vice*)  
John A. Morris (NY Bar No. 2405397)  
(*admitted pro hac vice*)  
Gregory V. Demo (NY Bar No. 5371992)  
(*admitted pro hac vice*)  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
Telephone: (310) 277-6910  
E-mail: jpomerantz@pszjlaw.com  
rfeinstein@pszjlaw.com  
jmorris@pszjlaw.com  
gdemo@pszjlaw.com

**HAYWARD PLLC**  
Melissa S. Hayward  
Texas Bar No. 24044908  
MHayward@HaywardFirm.com  
Zachery Z. Annable  
Texas Bar No. 24053075  
ZAnnable@HaywardFirm.com  
10501 N. Central Expy, Ste. 106  
Dallas, Texas 75231  
Telephone: (972) 755-7100

*Counsel for Highland Capital Management,  
L.P.*

**CERTIFICATE OF SERVICE**

I, Martin Sosland, certify that this *Amended Stipulation and Proposed Scheduling Order* was filed electronically through the Court's ECF system, which provides notice to all parties of interest.

Dated: June 29, 2021

/s/ Martin Sosland

United States Bankruptcy Court  
Northern District of Texas

UBS Securities LLC,

Plaintiff

Highland Capital Management, L.P.,

Defendant

Adv. Proc. No. 21-03020-s gj

## CERTIFICATE OF NOTICE

District/off: 0539-3

User: mmathews

Page 1 of 2

Date Rcvd: Aug 09, 2021

Form ID: pdf001

Total Noticed: 9

The following symbols are used throughout this certificate:

**Symbol**

**Definition**  
 + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 11, 2021:****Recip ID****Recipient Name and Address**

aty	+ Jamie Wine, LATHAM & WATKINS LLP, 885 Third Ave., New York, NY 10022-4874
aty	+ Jeffrey E. Bjork, Latham & Watkins LLP, 355 S. Grand Ave., Ste. 100, Los Angeles, CA 90071-3104
aty	+ Katherine George, LATHAM & WATKINS LLP, 330 North Wabash Avenue, Ste. 2800, Chicago, IL 60611-3695
aty	+ Sarah Tomkowiak, Latham & Watkins LLP, 555 Eleventh Street, NW, Suite 1000, Washington, DC 20004-1359
aty	+ Zachary F. Proulx, LATHAM & WATKINS LLP, 1271 Avenue of the Americas, New York, NY 10020-1401
ust	+ Cheryl Wilcoxson, US Trustee, 1100 Commerce St., Ste. 976, Dallas, TX 75242-0996

TOTAL: 6

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

**Recip ID****Notice Type: Email Address****Date/Time****Recipient Name and Address**

ust	+ Email/Text: ustpregion06.ty.ecf@usdoj.gov	Aug 09 2021 20:43:00	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231
ust	+ Email/Text: ustpregion07.hu.ecf@usdoj.gov	Aug 09 2021 20:43:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+ Email/Text: ustpregion06.da.ecf@usdoj.gov	Aug 09 2021 20:43:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 3

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

**Recip ID****Bypass Reason****Name and Address**

ust		Sandra Nixon, U.S. Trustee
ust		mario zavala
ust	*+	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 11, 2021

Signature: /s/Joseph Speetjens

District/off: 0539-3

Date Rcvd: Aug 09, 2021

User: mmathews

Form ID: pdf001

Page 2 of 2

Total Noticed: 9

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 9, 2021 at the address(es) listed below:

Name	Email Address
Andrew Clubok	on behalf of Plaintiff UBS Securities LLC andrew.clubok@lw.com andrew-clubok-9012@ecf.pacerpro.com,ny-courtmail@lw.com,dclitserv@lw.com
Andrew Clubok	on behalf of Plaintiff UBS AG London Branch andrew.clubok@lw.com andrew-clubok-9012@ecf.pacerpro.com,ny-courtmail@lw.com,dclitserv@lw.com
Candice Marie Carson	on behalf of Plaintiff UBS AG London Branch Candice.Carson@butlersnow.com
Candice Marie Carson	on behalf of Plaintiff UBS Securities LLC Candice.Carson@butlersnow.com
Clay M. Taylor	on behalf of Interested Party James Dondero clay.taylor@bondsellis.com krista.hillman@bondsellis.com
Eric A. Soderlund	on behalf of Interested Party Former Employees eric.soderlund@judithwross.com
Frances Anne Smith	on behalf of Interested Party Former Employees frances.smith@judithwross.com michael.coulombe@judithwross.com
Juliana Hoffman	on behalf of Creditor Committee Official Committee of Unsecured Creditors jhoffman@sidley.com txefilingnotice@sidley.com;julianna-hoffman-8287@ecf.pacerpro.com
Kimberly A. Posin	on behalf of Plaintiff UBS AG London Branch kim.posin@lw.com colleen.rico@lw.com
Kimberly A. Posin	on behalf of Plaintiff UBS Securities LLC kim.posin@lw.com colleen.rico@lw.com
Martin A. Sosland	on behalf of Plaintiff UBS Securities LLC martin.sosland@butlersnow.com ecf.notices@butlersnow.com,velvet.johnson@butlersnow.com
Martin A. Sosland	on behalf of Plaintiff UBS AG London Branch martin.sosland@butlersnow.com ecf.notices@butlersnow.com,velvet.johnson@butlersnow.com
Matthew A. Clemente	on behalf of Creditor Committee Official Committee of Unsecured Creditors mclemente@sidley.com matthew-clemente-8764@ecf.pacerpro.com;efilingnotice@sidley.com;ebromagen@sidley.com;alyssa.russell@sidley.com;dtwomey@sidley.com
Melissa S. Hayward	on behalf of Defendant Highland Capital Management L.P. MHayward@HaywardFirm.com, mholmes@HaywardFirm.com
Paige Holden Montgomery	on behalf of Creditor Committee Official Committee of Unsecured Creditors pmontgomery@sidley.com txefilingnotice@sidley.com;paige-montgomery-7756@ecf.pacerpro.com;crognes@sidley.com;ebromagen@sidley.com;efilingnote@sidley.com
Zachery Z. Annable	on behalf of Defendant Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 16